

HOUSE BILL 1620

By Ramsey

AN ACT to amend Chapter 510 of the Private Acts of 1919; as amended by Chapter 620 of the Private Acts of 1921; Chapter 264 of the Private Acts of 1959; Chapter 59 of the Private Acts of 1965; Chapter 1 of the Private Acts of 1969; Chapter 85 of the Private Acts of 1971; Chapter 144 of the Private Acts of 1977; Chapter 309 of the Private Acts of 1980; Chapter 20 of the Private Acts of 1989; Chapter 149 of the Private Acts of 1994; Chapter 145 of the Private Acts of 1996; Chapter 89 of the Private Acts of 2000; Chapter 41 of the Private Acts of 2007 and Chapter 56 of the Private Acts of 2018; and any other acts amendatory thereto, relative to the charter of the City of Alcoa.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Article 2, Section 5 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by adding "Finance Director," after the language "Recorder,".

SECTION 2. Article 3, Section 4 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 4. No person shall become Commissioner who shall have been convicted of malfeasance in office, bribery or other corrupt practice, or crime, or of violating any of the provisions of Section 6 of Article 2 of this Charter in reference to elections, and if any Commissioner shall be so convicted, the Commissioner shall forfeit his or her office.

SECTION 3. Article 3, Section 14 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by adding the language "or her" immediately after "his" in the second and third paragraphs.

SECTION 4. Article 3, Section 15, of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, Chapter 149 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by adding the language "or she" in subsection (a) immediately after "he" wherever it may appear, and by adding the language "or her" in subsection (b) immediately after "his".

SECTION 5. Article 4, Section 4 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 4. Every ordinance shall be immediately taken charge of by the Recorder and numbered, copied in an ordinance book, filed and preserved in the Recorder's office.

SECTION 6. Article 5, Section 1 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 1. The Mayor shall preside at all meetings of the Board of Commissioners and perform such other duties consistent with that office as may be imposed by the Board and the mayor shall have a seat, a voice, and a vote, but no veto. The Mayor shall sign the journal of the Board and all ordinances on their final passage, and execute all deeds, bonds, and contracts made in the name of the city. The Mayor may introduce ordinances in the Board of Commissioners.

SECTION 7. Article 5, Section 2 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 2. The Mayor shall have power, and it is hereby made his or her duty to perform all acts that may be required by any ordinance duly enacted by the Board of Commissioners not in conflict with any of the provisions of this charter.

SECTION 8. Article 5, Section 3 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by adding the language "or her" immediately following "his".

SECTION 9. Article 6, Section 1 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 264 of the Private Acts of 1959, Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the second paragraph in its entirety and substituting the following:

All other employees of the city shall be appointed by the city manager and removed by the City Manager at any time. The said Board shall fix the salaries by adopting a pay plan and shall make proper provisions in the Appropriation Ordinance for their salaries and the salaries or compensation of all other officers, agents, and employees as may be necessary. The City Manager shall reside or become a resident of the City of Alcoa upon his or her qualifications after appointment and the Board of Commissioners may in their discretion designate the residence in which he or she shall reside.

SECTION 10. Article 6, Section 2 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 2. Every officer, agent, and employee holding a position upon an annual salary shall, before entering upon his or her duties, take and subscribe and file with the Recorder, an oath or affirmation that he or she has all the qualifications and is not subject to any of the disqualifications named in this charter for the office or employment he or she is about to assume, and that he or she will support the constitution of the United States and of this State and the charter and ordinances of the city and will faithfully discharge the duties of that office or employment.

SECTION 11. Article 6, Section 3 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by adding the language "or her" immediately following "his".

SECTION 12. Article 6, Section 4 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 4. If at any time it appears to the Mayor, City Manager, or Finance Director, that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give such additional bond, within twenty days after notification, his or her office shall be vacant.

SECTION 13. Article 6, Section 6 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 59 of the Private Acts of 1965, Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by adding the language "or she" after "He" wherever it may appear.

SECTION 14. Article 7, Section 1 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the first paragraph in its entirety and substituting the following:

SECTION 1. In addition to all other powers conferred herein, the City Manager shall be the administrative head of the municipal government under the direction and supervision of the Board of Commissioners. The City Manager shall be appointed without regard to his or her political beliefs and need not be a resident of the city or State at the time of appointment.

SECTION 15. Article 7, Section 2, subsection (f) of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 85 of the Private Acts of 1971, Chapter 144 of the Private Acts of 1977, Chapter 145 of the Private Acts of 1996, Chapter

89 of the Private Acts of 2000, Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by adding the language "or she" immediately following "he".

SECTION 16. Article 7, Section 2, subsection (j) of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 85 of the Private Acts of 1971, Chapter 144 of the Private Acts of 1977, Chapter 145 of the Private Acts of 1996, Chapter 89 of the Private Acts of 2000, Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the language "him" and substituting instead "the City Manager".

SECTION 17. Article 8, Section 6 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 264 of the Private Acts of 1959, Chapter 41 of the Private Acts of 2007, and any other acts amendatory thereto, is amended by deleting the language "City Recorder" and substituting instead "Finance Director".

SECTION 18. Article 9, Section 2 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by adding the language "or she" immediately after "He".

SECTION 19. Article 10 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 145 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting the article in its entirety and substituting the following:

#### ARTICLE 10. RECORDER & DIRECTOR OF FINANCE.

SECTION 1. The Recorder shall receive a salary to be fixed by the Board of Commissioners and give such bond to the city for not less than five thousand dollars (\$5,000) as may be provided by ordinance.

The Recorder shall have a seat and voice, but not vote in the Board of Commissioners.

The Recorder shall, by his or her signature and the city seal, attest all instruments signed in the name of the city and all official acts of the Mayor.

The Recorder shall have power to administer oaths.

SECTION 2. It shall be the duty of the Recorder to be present at all meetings of the Board of Commissioners and to keep a full and accurate record of all business transacted by the same to be preserved in permanent book form.

SECTION 3. The Recorder shall have custody of, and preserve in his or her office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of the Board of Commissioners, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the Recorder's own bond, which shall be in the custody of the Mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinances to be deposited elsewhere, and register them by numbers, dates, and contents, and keep an accurate and modern index thereof.

SECTION 4. The Recorder shall provide and, when required by any officer or person, certify copies of records, papers, and documents in the Recorder's office, and charge therefore, for the use of the city, such fees as may be provided by ordinance. The Recorder shall cause copies of ordinances to be printed, as may be directed by the Board of Commissioners, and kept in the Recorder's office for distribution.

SECTION 5. The City Manager shall appoint a Director of Finance ("Finance Director"). It shall be the duty of the Finance Director to collect, receive, and receipt for the taxes and all other revenues, and bonds of the city, and the proceeds of its bond issues, and to disburse the same, among other duties outlined in this charter or ordinance. The City Manager may appoint the Recorder as Finance Director.

SECTION 6. The Finance Director, with the approval of the City Manager, shall cause an efficient system of accounting for the city to be installed and maintained.

SECTION 7. The Finance Director shall exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition thereof. The Finance Director shall be the

general accountant and auditor of the city, and shall have custody of all records, papers, and vouchers relating to the fiscal affairs of the city. The records in his or her office shall show the financial operations and condition, property, assets, claims, and liabilities of the city, all expenditures authorized and all contracts in which the city is interested. The Finance Director shall require proper fiscal accounts, records, settlements, and reports to be kept, made and rendered by the several departments and officers of the city, including all deputies or employees of the department charged with the collection or expenditures of money, and shall control, and continually audit the same. The Finance Director shall, at least monthly, adjust the settlements of officers engaged in the collection of the revenue.

SECTION 8. Except as by this charter or by law or ordinance otherwise provided, the Finance Director shall prescribe and regulate the manner of paying creditors, officers, and employees of the city. The Finance Director shall audit all pay rolls, accounts, and claims against the city and certify thereon the balance, but no pay roll, account, or claim or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the City Manager, and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury. Whenever any claim shall be presented to the Finance Director, he or she shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he or she may summon any officer, agent, employee or employer, or any department of the municipality, or any other person and examine that person upon oath or affirmation relative thereof. The City Manager, Finance Director, and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality.

SECTION 9. Subject to the provisions of the foregoing Section 8, warrants shall be issued by the Finance Director. Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund. Any officer or employee in the Finance Director's office may be designated to draw warrants with the same effect as if signed by the Finance Director, such designation to be in writing, in duplicate filed with the City Manager, provided, that the City Manager may make such designation if the Finance Director be absent or disabled and there be no one in the office designated to act. Any such designation may be revoked by the Finance Director while acting as such by filing the revocation in duplicate with the City Manager and the finance department.

SECTION 10. No contract, agreement, or other obligation involving the expenditures of money shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the Board of Commissioners or be authorized by any officer of the city unless the Finance Director shall first certify to the Board of Commissioners or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure is in the treasury or safely assured to be forthcoming and available in time to comply with or meet such contract, agreement, obligation, or expenditure; and no contract, agreement, or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds.

SECTION 11. No contract liability shall be incurred without previous authority of law or ordinance, but the Board of Commissioners may, by ordinance empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in said ordinance, provided that any such liability shall mature not later than one year from the date of its incurrence.



SECTION 12. The Finance Director shall be custodian of all sinking funds established for retiring bonds of the city to be managed in accordance with the provisions of this charter for sinking funds.

SECTION 13. Depositories of the City funds shall be designated by ordinance which ordinance shall, in every case, require the depository, before being given custody of any city funds, to furnish adequate security to protect the interests of the city, either by collateral in the form of bonds, notes, or other obligations of the City of Alcoa or of bonds, notes, or other obligations in which sinking funds of the City may be invested under the provisions of Section 1 of Article 14 of this Charter, in an amount ten (10) per cent in excess of the deposits or by a bond in the sum of ten (10) per cent in excess of the deposits with some surety company, satisfactory to the city and authorized to do business in the State of Tennessee as surety.

SECTION 14. The Finance Director shall cause all stationery and all forms used either in connection with the receipt or disbursement of city funds to be numbered consecutively, and all spoiled or unused forms shall be accounted for.

SECTION 15. The Recorder and Finance Director shall also perform any other duties imposed upon them by this charter or by ordinance.

SECTION 16. The City Manager shall appoint an assistant Recorder who, in the absence or inability to act of the Recorder, shall act as Recorder and exercise all the powers and authority and be subject to all the duties of the Recorder. In the event of the temporary absence or disability of both the Recorder and the Assistant Recorder, the City Manager may appoint a Recorder pro tempore.

SECTION 20. Article 11, Section 1 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, Chapter 145 of the Private Acts of 1996, Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 1. The assessment, levy, and collection of taxes and special assessments shall be in the charge of the Department of Finance, subject to the limitations elsewhere found in this charter. All property, real, personal, and mixed subject to state, county, and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected by the city for municipal purposes as provided in this charter. The ad valorem tax upon the stocks, accounts, and equipment may be assessed and collected in like manner as State and county merchant's ad valorem tax is assessed upon the same property. It is the duty of the county assessor of property and the comptroller of the treasury to prepare a separate assessment book or roll showing real, personal, and mixed property assessable by the county assessor of property or the comptroller of the treasury lying within the limits of the City of Alcoa. The records shall be certified to the Finance Director of the City of Alcoa upon the completion of the work of the boards of equalization, after they have been copied by the County Clerk of Blount County or the department of revenue.

SECTION 21. Article 11, Section 2 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the word "Recorder" wherever it may appear and by substituting instead "Finance Director".

SECTION 22. Article 11, Section 3 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the language "Recorder" wherever it may appear and substituting instead "Finance Director".

SECTION 23. Article 11, Section 4 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by deleting the language "Recorder" wherever it may appear and substituting instead "Finance Director".

SECTION 24. Article 11, Section 5 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 85 of the Private Acts of 1971,

and any other acts amendatory thereto, is amended by deleting the second paragraph in its entirety and substituting the following:

The Finance Director shall be custodian of tax books and shall be the Tax Collector of the City. For convenience of taxpayers, the Finance Director, at least ten days before the taxes are due, shall mail to each taxpayer at his or her last known address a statement showing the amount of taxes due from such taxpayer provided, however, that the failure of the Finance Director to so mail such statement or the failure of the taxpayer to receive such statement shall not relieve the taxpayer of the duty to pay such taxes on or before the due date. At and after the expiration of one month from the date when the taxes become due as in this Section provided, or as may be provided by ordinance, the tax books in the hands of the Finance Director shall have the force and effect of a judgment of a Court of Record, and the Finance Director shall have power to issue distress warrants, alias and pluries distress warrants, in the name of the City of Alcoa, to enforce the collection of said taxes against the person owning the property on January 10th of the year for which the taxes are assessed, by a levy upon the personalty of such taxpayer, and such distress warrant shall be executed by the Chief of Police or any Policeman of the City of Alcoa by a levy upon and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process from a Justice of the Peace.

SECTION 25. Article 12, Section 1 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the language "Treasurer" and substituting instead "Finance Director".

SECTION 26. Article 14, Section 1 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, and any other acts amendatory thereto, is amended by deleting the language "Recorder" wherever it may appear and substituting instead "Finance Director".

SECTION 27. Article 15, Section 2 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, and any other acts amendatory thereto, is amended by deleting the language "Recorder" and by substituting instead "Finance Director".

SECTION 28. Article 16, Section 1 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 145 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

SECTION 1. That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

1. Department of Administration.
2. Department of Finance.
3. Department of Human Resources.
4. Department of Public Safety.
5. Department of Public Works and Engineering.
6. Electric Department.

SECTION 29. Article 17, Section 2 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 56 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the language "City Attorney, and Recorder," and substituting instead "City Attorney, Recorder, and Finance Director,".

SECTION 30. Article 19, Section 8 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 1 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by adding the language "or her" immediately following "his".

SECTION 31. Article 19A, Section 6 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 309 of the Private Acts of 1980, Chapter 20 of the Private Acts of 1989, Chapter 145 of the Private Acts of 1996, and any other acts amendatory thereto, by deleting the section in its entirety and substituting the following:

SECTION 6. Divisions Within the Public Utility Plants.

The electric utility functions of the City of Alcoa shall be carried out by the Alcoa Electric Department to be known as "Alcoa Electric". The water and sewer functions of the City of Alcoa shall be incorporated into the City of Alcoa Department of Public Works and Engineering as the Water and Sewer Division of the Department of Public Works and Engineering. Accounting functions relating to the utility operations of the City of Alcoa shall be incorporated into the City of Alcoa Department of Finance. The Board may, by a majority vote of its entire membership, create new utility departments or divisions, combine or abolish existing utility departments or divisions, or establish temporary utility departments or divisions for special projects.

SECTION 32. Article 19A, Section 7, subsection (c) of Chapter 510 of the Private Acts of 1919, as amended by Chapter 309 of the Private Acts of 1980, Chapter 20 of the Private Acts of 1989, Chapter 145 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting the last sentence of the section and substituting the following:

The official record of the schedule of the current rates and charges in effect from time to time and the rules and regulations of the Board relating to electric, water, and sewerage services shall be kept in the office of the Recorder, with copies of all such documents kept on public file at the main offices of the Board and also in the office of the Finance Director of the City of Alcoa.

SECTION 33. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Alcoa. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Alcoa and certified to the secretary of state.

SECTION 34. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 33.